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| 10/566,875 | 09/18/2006 | Tak Wing Lam | PA030018 | 9565 |

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| EXAMINER |
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QUADER, FAZLUL

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| ART UNIT | PAPER NUMBER |
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11/10/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|--------------------------------------|-----------------------------------|--|
| Office Action Summary | Application No. 10/566,875 | Applicant(s) LAM ET AL. | |
| | Examiner FAZLUL QUADER | Art Unit 2164 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08-10-09.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|----------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>09/03/2009</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. Claims 1-9 are pending in this application.
2. Examiner acknowledges applicant's amendment on 08/10/2008.
3. Claims 1 and 8 have been amended on 08/10/2008.
4. Applicant's arguments filed 08/10/2008, with respect to claims 1-9 have been fully considered but they are not persuasive, for examiner's response see discussion below.

Objection to Claims

5. In view of the amendment the objection to Claim 1, line 1 is withdrawn.
6. In view of the amendment the objection to Claim 8, line 1 is being withdrawn.
7. In view of the amendments the objections to Claims 2-7, are being withdrawn.
8. In view of the amendments the objection to Claim 9 is being withdrawn.

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9. Claims 1, 3, 5-6, 8-9 recite "recording medium", which is not defined in the specification to determine whether it falls under the statutory category or not. In paragraph [0032] of the specification recites "However, the invention is also applicable to other types of recording media", which makes the definition indefinite. Proper correction is required.

Claim Rejections – 35 USC § 112

10. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

11. Claims 1-9 are rejected under 35 U.S.C. 112, first paragraph, for failing to contain a written description of a "recording medium" in the specification. In paragraph [0032] of the specification recites "However, the invention is also applicable to other types of recording media", which makes the definition indefinite. Proper correction is required.

Claim Rejections - 35 USC § 103

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. Claims 1-9 of the application (effective filing date: Feb. 02, 2006) are rejected under 35 U.S.C. 103(a) as being unpatentable over Tripp et al. (US 6516337; date of patent: Feb. 04, 2003), hereinafter "Tripp", in view of Mourad et al. (US 20030135464; pub. date: Jul. 17, 2003), hereinafter "Mourad" and further in view of Wright et al. (US 20050055578; filed: Jul. 21, 2004) hereinafter "Wright".

14. As to claim 1, Tripp discloses, a method for retrieving the file system of a recording medium, the file system indicating the physical position of the content on the recording medium (col. 5, lines 9-29), including the steps of:

determining a signature of the recording medium by measuring features based on a data pattern stored on the recording medium (col. 5, line 66 to col. 6, line 17), the signature including a plurality of elements;

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retrieving the associated file system indicating the physical position of the content on the recording medium from the content database (col. 5, lines 14-18, each object reference is a pointer which specified a location; col. 7, lines 42-52).

Tripp, however, does not explicitly disclose comparing the signature with a plurality of signatures stored in a content database; and

Tripp also does not explicitly disclose, “the signature is equal to a signature stored in the content database”.

Wright, however, discloses comparing the signature with a plurality of signatures stored in a content database (Wright: [0167]).

Mourad, on the other hand, discloses, “the signature is equal to a signature stored in the content database” ([0218], lines 1-14);

Wright, Tripp and Mourad are of the same field of endeavor, they specifically teach digital signature as method of identifying document (Tripp: col. 7, lines 42-52; Mourad: ([0218], lines 1-14; Wright: [0013]).

It would have been obvious to one of the ordinary skill in the art at the time of applicant's invention to incorporate the teachings of Sutton into Tripp of content sending

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to a central indexing meta data or signatures from objects on a computer network that would have allowed users of Tripp to determine whether the message has not been altered during distribution (Mourad: [0218], lines 12-14; Wright: [0013]).

15. As to claim 2, Tripp as modified discloses, method according to claim 1, wherein the step of comparing the signature with a plurality of signatures stored in a content database includes evaluating the distances between the determined signature and the signatures stored in the content database (Tripp: col. 7, lines 28-35).

16. As to claim 3, Tripp as modified discloses, method according to claim 1, wherein the steps of determining the signature of the recording medium and comparing the signature with a plurality of signatures include: determining a first part of the signature including a plurality of elements (Tripp: col. 6, lines 3-12); comparing the first part of the signature with corresponding parts of the plurality of signatures stored in the content database (Tripp: col. 7, lines 28-35); determining a further part of the signature if the first part of the signature is equal to the corresponding part of at least one signature stored in the content database (Tripp: col. 7, lines ; and comparing the further part of the signature with corresponding parts of the plurality of signatures stored in the content database (Tripp: col. 7, lines 35-52; col. 51, lines 49-52).

17. As to claim 4, Tripp as modified discloses, method according to claim 1, wherein, in the comparing steps, a negative progressive search approach is employed, in which

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the elements of the determined signature are compared with the corresponding elements of the signatures stored in the content database one at a time (Tripp: col. 7, lines 28-35), wherein every element of the signature may yield a negative search result (Tripp: col. 7, lines 28-35; col. 7, lines 56-62).

18. As to claim 5, Tripp as modified discloses, method according to claim 1, further including the steps of: obtaining the file system from the recording medium if the determined signature is not equal to a signature stored in the content database (Tripp: col. 7, lines 28-35); and storing the obtained file system and the determined signature in the content database (Tripp: col. 7, lines 28-35; col. 1, lines 57-60).

19. As to claim 6, Tripp as modified discloses, method according to claim 1, wherein the signature is unique for every recording medium (Tripp: col. 54, lines 23-25).

20. As to claim 7, Tripp as modified discloses, method according to claim 1, wherein the signature elements are selected from the disk status such as open or closed disk, number of sessions or number of tracks in each session, from timing information such as the lead-in time of each session, the lead-out time of each session, the total time of each session or subcode information of each track, or from data integrity such as data checksums of specific tracks (Tripp: col. 1, lines 57-60; col. 6, lines 53 to col. 7, line 2)

21. As to claim 8, Tripp as modified discloses, apparatus for reading from and/or

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writing to recording media wherein the apparatus includes at least one element adapted for retrieving a file system of the recording medium, the file system indicating the physical position of the content on the recording medium (Tripp: col. 5, lines 9-29),),

Tripp, however, does not explicitly disclose, “the signature is equal to a signature stored in the content database”.

Mourad, on the other hand, discloses, determining a signature of the recording medium by measuring features based on a data pattern stored on the recording medium, the signature including a plurality of elements; comparing the signature with a plurality of signatures stored in a content database; and Retrieving the associated file system indicating the physical position of the content on the recording medium from the content database if the signature is equal to a signature stored in the content database (col. 5, lines 14-18, each object reference is a pointer which specified a location; col. 7, lines 42-52; [0218], lines 1-14);

Tripp, however, does not explicitly disclose comparing the signature with a plurality of signatures stored in a content database; and

Tripp also does not explicitly disclose, “the signature is equal to a signature stored in the content database”.

Wright, however, discloses comparing the signature with a plurality of signatures stored in a content database (Wright: [0167]).

Mourad, on the other hand, discloses, “the signature is equal to a signature stored in the content database” ([0218], lines 1-14);

Wright, Tripp and Mourad are of the same field of endeavor, they specifically teach digital signature as method of identifying document (Tripp: col. 7, lines 42-52; Mourad: ([0218], lines 1-14; Wright: [0013]).

It would have been obvious to one of the ordinary skill in the art at the time of applicant's invention to incorporate the teachings of Sutton into Tripp of content sending to a central indexing meta data or signatures from objects on a computer network that would have allowed users of Tripp to determine whether the message has not been altered during distribution (Mourad: [0218], lines 12-14; Wright: [0013]).

22. As to claim 9, the claim is rejected for the same reason as claim 1. In addition, Mourad discloses the contents can be played back and playback quality can be checked. (Mourad: [0270], lines 1-8).

Response to Arguments

23. Applicant's arguments filed 08/10/2008, with respect to claims 1-9 have been fully considered but they are not persuasive, for examiner's response see discussion below.

The applicant states that the references do not recite the file system indicating the physical position of the content on the recording medium."

Tripp clearly discloses, "Each object reference is a pointer which specifies a location or address where the object may be found (Tripp: col. 5, lines 14-18).

Claims 1, 3, 5-6, 8-9 recite "recording medium", which is not defined in the specification to determine whether it falls under statutory category. In paragraph [0032] of the specification recites "However, the invention is also applicable to other types of recording media", which makes the definition indefinite. Proper correction is required. Claims 1-9 are rejected under 35 U.S.C. 112, first paragraph, for failing to contain a written description of a "recording medium" in the specification.

Moreover, as explained earlier in the office action, Tripp discloses, a method for retrieving the file system of a recording medium, the file system indicating the physical position of the content on the recording medium (col. 5, lines 9-29), including the steps of: determining a signature of the recording medium by measuring features based on a data pattern stored on the recording medium (col. 5, line 66 to col. 6, line 17), the signature including a plurality of elements; retrieving the associated file system indicating the physical position of the content on the recording medium from the content database (col. 5, lines 14-18, each object reference is a pointer which specified a location; col. 7, lines 42-52). Tripp, however, does not explicitly disclose comparing the signature with a plurality of signatures stored in a content database; and Tripp also does not explicitly disclose, “the signature is equal to a signature stored in the content database”. Wright, however, discloses comparing the signature with a plurality of signatures stored in a content database (Wright: [0167]). Mourad, on the other hand, discloses, “the signature is equal to a signature stored in the content database” ([0218], lines 1-14);

24. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

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shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Contact Information

25. Any inquiry concerning this communication or earlier communications from the examiner should be directed to FAZLUL QUADER whose telephone number is (571)270-1905. The examiner can normally be reached on M-F 8-5 Alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Rones can be reached on 571-272-4085. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

FAZLUL QUADER
Examiner
Art Unit 2164

/FQ/

/Charles Rones/
Supervisory Patent Examiner, Art Unit 2164